



**NOISE ORDINANCE REVIEW COMMITTEE (NORC)
WEDNESDAY, MARCH 17, 2004
6:00-8:00 p.m.**

**VILLAGE HALL/POLICE STATION
COMMUNITY ROOM #120**

1. Attendance
2. Approval of Minutes:
 - a. January 21, 2003 Minutes
3. Review of Section 17-3(3): Commercial, hotels, and Private Clubs (Beach Club, Yacht Club, and Grand Bay)
5. Review of New Section 17-8 Burglar Alarms
6. Approval of Revised Schedule
7. Public Comment
8. Next Meeting Date
9. Adjournment



Noise Ordinance Review Committee
Meeting Notes from February 18, 2004
By: Clinton Archambault
Co-Secretary

I. Meeting called to order by Chair: Serge Barder

A. Appointed members in attendance.

Bill Pickell	Serge Barder
Jose Penichet	Clinton Archambault
Michael Carsch	Ana Brennan

B. Members Absent:

Luis Arrondo	Ramon Rodriguez
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C. Also in Attendance:

John C. Gilbert, Representative for Jud Kurlancheek, Dir. Of B.P.Z.
Alex Palenzuela-Mauri, Village Attorney
Lt. Nick Ismailoff, Village Police
Mike O'Brian, Key Biscayne Beach Club
Matthias Kammerer, The Sonesta Beach Resort
Mike Steffens, Resident, The Sands
Selma Penichet, Resident, The Sands
Finley Matheson, Resident

II. Old Business.

A. *Review and discussion of Minutes from Meeting of January 21, 2004.*

1. Motion to approve minutes, voted on and approved.

B. Next meeting scheduled for March 17, 2004 @ 6:00 PM.

III. Comment from Chair-Serge Barder

A. *Serge Barder brought to Member's attention that he will have a very busy schedule in the coming months, and that he will be unable to be at all upcoming meetings.*

B. *Discussion followed regarding Committee attendance and feasibility of Serge remaining as Chairperson.*

Discussion Highlights:

-Ana Brennan commented that she felt very comfortable with Serge remaining as

Chairperson, even with missing three meetings.

-Bill Pickell commented that he is in favor of Serge remaining on Committee, but felt that perhaps a new Chairperson was in order.

-Alex Palenzuela commented that it was not mandatory that member of committee be released after three absences, as long as there was good reason.

-Serge Barder commented that he would like it noted that he brought up idea of relinquishing Chair, but Committee accepted reasons for his absence and he would remain in position.

IV. Committee Discussion of Specific Noise Generated from Ritz-Carlton and impact on surrounding area.

A. Committee Reviewed list of Complaints from Mike Steffens, Sands Resident.

1. Comment that Noise complaints made by Mr. Steffens did not break law.

2. Lt. Ismailoff commented that he visited Mr. Steffens apartment at The Sands to help determine the source of complaints. His opinion was that unique location of The Sands, and Mr. Steffens apartment in particular, magnified what would be normal noise levels.

3. Committee discussion regarding Lt. Ismailoff's assertion, with various opinions from different members of committee.

Discussion Highlights:

-Discussion regarding Rights of individuals to enjoyment of music and parties versus others right to quiet enjoyment.

-Clinton Archambault proposed "Quiet Zone" on Ocean Drive because of confluence of factors effecting residents.

-Michael Carsch implored Committee not to make restrictions that would adversely affect Ritz-Carlton.

-Anna Brennan commented that it is extremely difficult to delineate between opposing rights of enjoyment.

Serge Barder proposed amending current Noise Ordinance, in respect to distance of audible Noise, on a trial basis to test feasibility.

-John Gilbert and Alex Palenzuela asserted that it would not be feasible in their opinion to temporarily change Noise Ordinance.

V. Public Comment.

A. Public comment made to Committee during Discussion:

1. Mrs. Penichet commented that Ritz-Carlton should hold functions inside and follow Sonesta's lead.

2. Mr. Steffens clarified that the list he supplied to Committee of Noise Complaints were not infractions that broke any law, but were simply to illustrate the amount of Noise he had to endure from the Ritz-Carlton in a two week period. In addition, he commented that he knew of plans at the Ritz-Carlton that they would soon be opening an outside dining establishment and certainly there would be additional Noise problems in the future.

3. Mr. O'Brian commented that he intended to be a good neighbor to Residents

and would comply with any restrictions the Committee would implement.

4. Mr. Kammerer commented that he sympathized with the operator of the Ritz-Carlton, and that he felt if Noise Ordinance was any stricter on Key Biscayne, it would damage the economic situation on the island.

5. Finley Matheson commented that caged birds, especially Macaws were a nuisance. He also commented that he feels that leaf Blowers should be banned from the Island.

VI. Discussion of Key Biscayne Noise Ordinance #17-3C

A. Discussion regarding changing wording to read "100 Feet".

B. Comparison of Key Biscayne's Noise Ordinance to Palm Beach's and definition of "Receiving Dwelling".

C. John Gilbert commented that it would be unreasonable to change ordinance to reflect noise within dwelling.

D. Ana Brennan commented that changes would be too restrictive.

VII. Ritz-Carlton Fire Access Road.

A. John Gilbert explained that provisions were made to allow access road.

1. It was stipulated that Fire Department would control it.

2. John Gilbert commented that gate usage has been significantly reduced.

3. Mr. Gilbert asserted that gate had been used only six times in 2003.

4. Mr. Gilbert commented that he has been very strict on gate usage by Ritz.

B. Jose Penichet commented that complaints of Fire Road usage by Ritz, stem from frequent use of road for parties and functions to deliver furniture and various supplies.

C. Mr. Steffens commented that it is his understanding that Ritz-Carlton is required by law to bring all items for Resort use through Ritz entrance on Crandon Bl. He commented that this is clearly not being enforced.



DT: March 9, 2004

TO: Noise Ordinance Review Committee

FR: Jud Kurlancheek, AICP, Director
Building, Zoning, and Planning Department

RE: Proposed Meeting Schedule and Methodology

Meeting Number	Meeting Date	Issues/Subjects to be Addressed
1.	July 2, 2003	Committee reviews schedule and approves methodology Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance.
2.	Aug 13, 2003	Police Department, Building, Zoning, and Planning Department, and Committee members identify problems in the administration of the Ordinance (Continuation of the July 2 discussion). Review of Key Biscayne Noise Ordinance Committee initiates review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director.
3	Sept 17, 2003	Committee completes review how other municipalities deal with noise: Coral Gables, Aventura, and Pinecrest. Presentation by the BZP Director. Key Biscayne Noise Committee: Review of complaints and violations Review of Key Biscayne Noise Ordinance Sec 17-3 <div style="display: flex; justify-content: space-between;"> <div> <p>(a) Excessive noise</p> <p>(b) Horns, signaling devices, etc.</p> <p>(d) Animals, birds, etc.</p> <p>(e) Exhausts</p> </div> <div> <p>(f)</p> <p>(g) Firearms and explosives</p> <p>(p) Power tools and landscaping equipment</p> </div> </div>

4.	Oct 15, 2003	<p>Review of Key Biscayne Noise Ordinance Sec 17-3</p> <ul style="list-style-type: none"> (k) Defect in Motor Vehicle or Motorboat (l) Hawkers/peddlers (m) Schools, courts, hospitals, places of religious worship (n) Aircraft (o) Open air concerts, musical broadcasts, etc. (q) Leaf blowers <p>Section 17-4 Permits for Special Events Section 17-5 Exemptions Section 17-6 Enforcement Section 17-7 Penalties Review of complaints and violations</p>
5.	Nov 19, 2003	<p>Section 17-3</p> <ul style="list-style-type: none"> (c) Radios, Televisions, Photographs, Musical Instruments, etc. (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification <p>Review of Section 17-4 Permits for Special Events Review of Section 17-5 Exemptions Burglar Alarms - New Section</p>
6.	Dec 17, 2003	Review of Section 17-4 Permits for Special Events
7.	Jan 21, 2004	<p>Review of Section 17-6 Enforcement Review Enforcement, Section 17-7 Penalties Review of Section 17-3(c) noise from private clubs and hotels</p>
8.	Feb 18, 2004	<p>Review of Section 17-3(3) noise from private clubs and hotels Review of New Section 17-8 Burglar Alarms</p>
9.	Mar 17, 2004	<p>Review of Section 17-3(3) noise from private clubs and hotels Review of New Section 17-8 Burglar Alarms</p>
10.	April 14, 2003	<p>Section 17-3 - reconsideration of previously approved sections</p> <ul style="list-style-type: none"> (f) Construction - Staff requests a clarification (h) Loudspeaker or sound amplification <p>Section 17-7-Penalties- reconsideration of maximum fines Final review of the Noise Ordinance Prior to the Committee's Public Hearing</p>
11.	May 4, 2004	Committee holds a public hearing on the ordinance and submits recommendation to the Village Council. Public hearing to be advertised in The Islander News, posted in Village Hall, and listed on Village's website. At the conclusion of the hearing, changes are made, and the ordinance is forwarded to the Village Council.
12.	June, 2004	Committee appears before Council and requests public hearings (2).
13.	July 13 & 27, 2004	Council holds two public hearings.



VILLAGE OF KEY BISCAYNE NOTICE OF PUBLIC MEETING REGARDING THE NOISE ORDINANCE REVIEW COMMITTEE

PUBLIC NOTICE IS HEREBY GIVEN THAT THE NOISE ORDINANCE REVIEW COMMITTEE WILL HOLD A PUBLIC MEETING ON MARCH 17, 2004, 6:00 P.M., IN THE VILLAGE HALL/POLICE STATION, COMMUNITY ROOM #140 (FIRST FLOOR), 88 W. MCINTYRE STREET KEY BISCAYNE, FL 33149. THE PURPOSE OF THE PUBLIC MEETING IS TO REVIEW, DISCUSS AND MAKE RECOMMENDATIONS TO THE VILLAGE COUNCIL REGARDING THE NOISE ORDINANCE. INTERESTED PARTIES ARE INVITED TO APPEAR AND BE HEARD OR SUBMIT WRITTEN COMMENTS TO THE BUILDING, ZONING, AND PLANNING DIRECTOR TO THE BUILDING, ZONING, AND PLANNING DIRECTOR AT 88 W. MCINTYRE STREET, KEY BISCAYNE, FL 33149. IF YOU HAVE ANY QUESTIONS WITH RESPECT TO THIS MATTER PLEASE CALL 305 365 8908.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, ALL PERSONS WHO ARE DISABLED AND WHO NEED SPECIAL ACCOMMODATIONS TO PARTICIPATE IN THIS PROCEEDING BECAUSE OF THAT DISABILITY SHOULD CONTACT THE OFFICE OF THE VILLAGE CLERK, 88 WEST MCINTYRE STREET, KEY BISCAYNE, FLORIDA 33149, TELEPHONE NUMBER (305) 365-5511, NOT LATER THAN TWO BUSINESS DAYS PRIOR TO SUCH PROCEEDINGS.

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE BOARD WITH RESPECT TO ANY MATTER CONSIDERED AT A MEETING OR HEARING, THAT PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND, FOR SUCH PURPOSE, MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED (F.S.286.0105).

COMMENTS OF ANY INTERESTED PARTY RELATIVE TO THIS MATTER MAY BE SUBMITTED IN WRITING AND OR PRESENTED IN PERSON AT THE PUBLIC MEETING.

NOTICE IS HEREBY GIVEN THAT ONE OR MORE MEMBERS OF THE VILLAGE COUNCIL OR VILLAGE COMMITTEE MAY BE ATTENDING THIS MEETING.

Posted in the Village Hall March 12, 2004